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**OFFICE OF PETITIONS**

In re Application of :  
Goldberg et al. :  
Application No. 09/502,285 :  
Filing/371(c) Date: 02/11/2000 :  
Attorney Docket Number: :  
3367-2-2 : **LETTER**

This correspondence is in response to a Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a)(3), or in the Alternative, Petition for Unavoidable Abandonment Under 37 CFR 1.137, filed August 18, 2006.

For the following reasons, the Application file is being referred to Group 3700 for consideration of the petition to withdraw the holding of abandonment under 37 CFR 1.181. A decision on the alternative petition to revive the application under 37 CFR 1.137(a) will be held in abeyance pending the decision on the petition under 37 CFR 1.181.

Background

A Notice of Allowance and Issue Fee Due was mailed June 28, 2004.

Applicant filed a petition to withdraw the application from issue, along with a Request for Continued Examination ("RCE"), an Information Disclosure Statement ("IDS") and an Amendment on February 23, 2004.

The RCE and IDS were inadvertently not entered.

Applicant asserts that the Amendment was a copy of a previously-filed amendment (filed May 8, 2002). Applicant states that the re-filed Amendment was filed to demonstrate that the May 8, 2002 Amendment included a request to change the title of the application that was not addressed.

The Examiner mailed an Office communication on July 14, 2005, in response to the Amendment (the RCE and IDS were not in the file). The Office communication set a one (1) month period for reply and provided for extensions of time under 37 CFR 1.136(a).

Applicant re-filed a copy of the amendment on July 22, 2006, which was noted in IFW as being non-responsive to the Office communication. A Notice of Abandonment was mailed May 18, 2006.

Applicant files the instant petition to withdraw the holding of abandonment and asserts that the RCE was not entered, and that the Office communication was issued in error and failed to address the IDS and the amendment to the title of the invention, filed May 8, 2002.

The TC is requested to address the petition to withdraw the holding of abandonment.

Telephone inquiries concerning this letter should be directed to the undersigned at (571) 272-3232.



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